

From: [Kevin Guerin](#)
To: [Sarah King](#); [Simon King](#)
Cc: [Lisa Johnston \[EXTERNAL\] \(Parliament\)](#); [RMReform](#)
Subject: RE: Budget 2024 info for weekend bag
Date: Wednesday, 21 February 2024 8:50:00 pm
Attachments: [20. Stat Functions - Summary data for Treasury.docx](#)
[image001.jpg](#)

We did also send this to Treasury to illustrate the statutory functions workload which is covered within the baseline and we are not seeking funding for.

From: Sarah King <Sarah.King@parliament.govt.nz>
Sent: Wednesday, February 21, 2024 4:02 PM
To: Kevin Guerin <Kevin.Guerin@mfe.govt.nz>; Simon King <Simon.King@mfe.govt.nz>
Cc: Lisa Johnston [EXTERNAL] (Parliament) <Lisa.Johnston@parliament.govt.nz>; RMReform <RM.Reform@mfe.govt.nz>
Subject: RE: Budget 2024 info for weekend bag

Great stuff, thanks all

From: Kevin Guerin <Kevin.Guerin@mfe.govt.nz>
Sent: Wednesday, February 21, 2024 4:00 PM
To: Simon King <Simon.King@mfe.govt.nz>; Sarah King <Sarah.King@parliament.govt.nz>
Cc: Lisa Johnston <Lisa.Johnston@parliament.govt.nz>; RMReform <RM.Reform@mfe.govt.nz>
Subject: Re: Budget 2024 info for weekend bag

I can confirm nothing has changed since the template sent last week.

Kevin Guerin, Chief Advisor

From: Simon King <Simon.King@mfe.govt.nz>
Sent: Wednesday, February 21, 2024 3:02:08 PM
To: Sarah King <Sarah.King@parliament.govt.nz>; Kevin Guerin <Kevin.Guerin@mfe.govt.nz>
Cc: Lisa Johnston [EXTERNAL] (Parliament) <Lisa.Johnston@parliament.govt.nz>; RMReform <RM.Reform@mfe.govt.nz>
Subject: RE: Budget 2024 info for weekend bag

Thanks for chat Sarah, confirming that you have everything you need and we won't send you anything else at this stage

Simon

Simon King

*Chief Advisor | Kaitohutohu Whakarae
Office of the Chief Executive*

Ministry for the Environment | Manatū Mō Te Taiao
022 047 5541 | simon.king@mfe.govt.nz | mfe.govt.nz

We are located at **8 Willis Street**.

From: Sarah King <Sarah.King@parliament.govt.nz>

Sent: Wednesday, February 21, 2024 9:13 AM

To: Simon King <Simon.King@mfe.govt.nz>; Kevin Guerin <Kevin.Guerin@mfe.govt.nz>

Cc: Lisa Johnston [EXTERNAL] (Parliament) <Lisa.Johnston@parliament.govt.nz>; RMReform <RM.Reform@mfe.govt.nz>

Subject: Budget 2024 info for weekend bag

Mōrena Simon and Kevin,

We have been asked to put copies of the Budget 2024 Initiative into the Ministers bag for the weekend.

I thought it would be worth making sure that we have the correct copies of the MfE documents submitted to TSY. Are you able to please send through the updated budget bid template? I can attach that to the pack.

I will pull the letters to MOF from Minister Bishop, Minister Simmonds and Minister Watts from the emails that were circulated on Friday so no need to send those through.

Let me know if anything else has changed, or there is anything else I should flag up to the Minister.

Ngā mihi,

Sarah



Sarah King (she/her)

Acting Private Secretary | Office of Hon Chris Bishop
Minister Responsible for RMA Reform
Minister of Housing
Minister for Infrastructure
Minister for Sports and Recreation
Associate Minister of Finance
Leader of the House

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- The Minister for the Environment has a wide range of statutory functions and powers under the RMA. As such, the quantum of MfE's related work load is responsive to:
 - o the extent to which the Minister wishes to exercise discretionary powers or consider the performance of the RMA at both a system level and on individual matters
 - o the number and complexity of matters that arise in the day-to-day implementation of the RMA by councils, the courts, parties in RMA process including consent applicants
 - o how legislation and policy changes by the Government affect the day-to-day functioning of the system in practice.
- The day-to-day implementation of resource management occurs largely through local authorities, requiring authorities and applicants for consents. In practice, this means that the scope and timing of individual matters coming to the Minister are not controlled by central government.
- The Minister for the Environment also receives statutory notifications where others (eg, local authorities) have completed procedural matters required by the RMA. These do not always require a ministerial action and provide an opportunity for the Minister for the Environment to receive advice on how the RMA is working in practice.
- Ministerial RMA decisions are subject to judicial review. To help mitigate this risk, we provide advice to the Minister for the Environment on a case-by-case basis, to ensure all procedural and legal requirements are met, often covering policy, legislation, and implementation technical matters
- The table below illustrates the number of statutory decisions taken by the Minister for the Environment, noting that:
 - o a single decision point may necessitate advice over multiple years including engagement with Treaty partners, councils, applicants and other parts of Central Government including Crown Law
 - o this does not include extensive work where the Minister has received advice but has not taken a statutory decision

	Minister for the Environment's statutory functions and powers under the RMA	Relevant RMA sections	Description of the functions and powers	Advice provided to the Minister over the last 3 years
<i>Decision-making on local authorities' implementation of the NPS-UD and the Medium Density Residential Standards (MDRS)</i>				
3	Decision-making on requests from specified territorial authorities ^[1] for more time to complete the intensification streamlined planning process (ISPP) ^[2] . The RMA provides for: <ul style="list-style-type: none"> • the Minister for the Environment to prepare a direction for the ISPP setting additional requirements for a specified territorial authority such as reporting requirements and setting the Minister's statement of expectations. • a specified territorial authority to request the Minister for the Environment to amend a direction. 	80L, 80M, 80D	The RMA requires specified territorial authorities to use the ISPP to notify an intensification planning instrument (IPI). This allows incorporation of the medium density residential standards (MDRS) into their district plans and gives effect to the intensification requirements in the NPS-UD.	Four original directions have been made since April 2022. 12 extension requests have been granted since November 2022, with 2 in process.
4	Relevant local authorities must immediately notify the Minister for the Environment if the local authority determines that there is insufficient development capacity over the short term, medium term, or long term.	NPS-UD clause 3.7	The NPS-UD requires relevant local authorities to provide sufficient development capacity. Where there is insufficient development capacity, the local authority must take actions to increase development capacity.	Received 10 letters notifying insufficient development capacity since September 2021
5	If a local authority rejects any recommendations by the independent hearings panel (IHP) for intensification planning instruments (IPI), the Minister for the Environment becomes the final decision-maker on those rejected recommendations.	Section 101 and 105	Specified territorial authorities are required to notify IPI decisions on the IHP's recommendations by a date set out in a direction issued by the Minister for the Environment.	One council has referred a recommendation to the Minister for the Environment since April 2022.

^[1] Specified territorial authority means any of the following:

- every tier 1 territorial authority (Auckland Council, Christchurch City Council, Hamilton City Council, Hutt City Council, Kāpiti Coast District Council, Porirua City Council, Selwyn District Council, Tauranga City Council, Upper Hutt City Council, Waikato District Council, Waimakariri District Council, Waipā District Council, Wellington City Council, Western Bay of Plenty District Council).
- a tier 2 or 3 territorial authority that is required by regulations to prepare and notify an intensification plan change (currently Rotorua Lakes Council).

^[2] The ISPP is a plan change process based on the Streamlined Planning Process under the RMA with the intent to enable intensification outcomes to be achieved earlier than using an RMA Schedule 1 plan change process. Specified territorial authorities are required to use the ISPP to incorporate the MDRS into RMA plans and implement the intensification requirements in the NPS-UD.

RMA plans and consents				
<i>Proposals of national significance</i>				
7	Ability to 'call in' a plan/plan change and nationally significant proposals; Decisions on certificates of compliance for nationally significant proposals.	140-149ZG, 37B, 42C, 139	If either a plan change or resource consent is for, or part of, a proposal of national significance the Minister can direct that the proposal be referred to either a Board of Inquiry or to the Environment Court for decisions. The Minister can make this direction on their own volition, or following a request from the local authority, the applicant, or a third party. A recent example is the call in of the Waimate Waste to Energy Plan.	Three call ins since 2020
<i>Streamlined Planning Process</i>				
8	Streamlined Planning Process (SPP).	80B, 80C, Schedule 1, Part 5	<p>This section of the Act allows a local authority to ask the Minister if they can use an expedited planning process for a particular change to a district or regional RMA Plan. The SPP process can only be used if the application meets one or more criteria relating to; implementation of national direction, urgency, a significant community need, or an issue that has resulted in unintended consequences:</p> <p>If approved for use, the SPP must be undertaken in the form directed by the Minister and may include limited notification, and no or limited hearings. The SPP process also results in reduced appeal rights.</p>	Decisions on six applications in three years with multiple statutory decision points per application (Stage 1 advice for six applications, Stage 2 advice for five applications, Stage 3 advice for four applications).
<i>Other RMA planning and consent processes</i>				
9	Extension of time request for a decision on a plan change.	Schedule 1, part 1, clause 10A	The Act requires decisions on changes to RMA Plans to be made no later than 2 years after the change was publicly notified. This section allows a local authority to request an extension of this time.	Decisions on 17 applications in past three years
<i>Requiring and Heritage Authority Approvals, Water Conservation Referrals and Air quality exceedances</i>				
17	Requiring Authorities—The recommendation of the approval of an applicant as a requiring authority (RA).	167	Under the RMA a local authority, all Ministers of the Crown, and network utility operators that are approved by the Minister have the ability to designate land in district plans. The Minister's role is to assess the appropriateness of an RA application to become a Requiring Authority and approve if considered appropriate. RA's apply to local authorities for designations to be included in district plans. Many designations in district plan relate to the provision of infrastructure. Recent examples of applications to become requiring authorities are City Rail Link, Channel Terminal Services (previously Refining NZ), and Queenstown Airport Corporation Limited.	Decisions on 10 applications in the past three years
21	Air Quality—Decision-making on applications to discount an air quality exceedance on the basis of exceptional circumstances.	Regulation 16A of NES-AQ	The Minister can determine that an exceedance of air quality standards for a contaminant within an airshed is an exceptional circumstance. If the Minister determines that an exceedance is exceptional, it will not count towards the maximum total exceedances for that contaminant in the Airshed.	Decisions on eight applications in past three years
<i>Ministerial intervention</i>				
22	Ability to investigate a local authority and make recommendations on its exercise or performance and allows the Minister to take action under section 25 or 25A.	24A	The Minister has the ability to initiate an investigation into the performance of a local authority in implementing the RMA and, dependent on the outcome of the investigation, can intervene. This may include making recommendations to the local authority on its exercise or performance.	Three investigations since 2022.
<i>Freshwater farm plans</i>				
31	Freshwater farm plans – decision that Part 9A applies to a specific district, region or part of NZ; consultation on regulations including crop type, location and sales information on fertiliser.	217A-217M	While not classified as 'national direction' under the RMA, freshwater farm plan regulations set national-level requirements in relation to RMA plans and consenting.	Two Orders in Council since August 2023
<i>Declarations and court proceedings</i>				

35	Decision to become a party to proceedings before the Environment Court or to support Crown involvement in court proceedings relating to RMA matters	274, et al	The Minister has the authority to decide to take part in any proceedings before the Environment Court. This could be an appeal against a resource consent or a change to an RMA Plan. In addition, the Ministry provides advice to support Crown involvement in a range of proceedings before the Environment Court, High Court and Supreme Court on RMA-related matters.	Currently supporting Crown involvement in 10 proceedings in various courts.
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